THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.26019/1995

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Smt. Valluri Nirmala Devi ..Petitioner

V.

The Mandal Revenue Officer, Balanagar, Ranga Reddy District ..Respondent.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.26019/1995

ORAL ORDER

The petitioner claiming to be the absolute owner of residential house bearing No.6-44/1A New (6-39 old) on plot No.s.285,286, 319 and 320 in S.No.57 ad-measuring 400 sq.yards situate at Hasmathpet village in Kukatpalli Municipality having purchased the same from Smt. Habeebunnisa Begum under a registered sale deed dt. 11-8-1993 filed the present writ petition stating that without issuing any notice or without following due procedure, the officials of the respondent tried to demolish the structures with the help of Flying Squad and on petitioner protesting the same, they could not demolish the same.

Time and again this court reiterated if the revenue officials or the municipal authorities feel that any property of the Government is in possession of a citizen under encroachment or under a sale deed, he is not entitled to be in occupation, notice is necessary before eviction as contemplated under the A.P. Land Encroachment Act or any Act for the time being in force. Without issuing any notice and without following due procedure, the respondent cannot demolish the petitioner's house, even her possession is un-authorised and she is an encroacher of the Government land.

In spite of petitioner approaching this court by filing the present writ petition and this court granting stay of demolition on 17-11-1995, the Mandal Revenue Officer has not chosen to contest the matter by filing counter-affidavit.

In view of the same, the respondent is directed not to evict the petitioner from her house without following due procedure as contemplated under the A.P. Land Encroachment Act or any other enactment.

With the above direction, the writ petition is accordingly disposed of. No costs.

18-3-2006

kmr